REMARKS

The rejections presented in the Office action dated March 3, 2003 have been considered. Claims 1-34 remain pending in the application. Reconsideration and allowance of the application as amended is respectfully requested.

With regard to claims 10-13, 19, 21-24 and 30, which the Examiner objected to as being dependent upon a rejected base claim, but allowable if rewritten in independent form, Applicant has re-written claims 10-13, 19, 23 and 30 in independent form, and are therefore in condition for allowance. Claim 21 is dependent from rewritten claim 19, and is therefore also in condition for allowance. Claim 22 has been amended to be dependent from rewritten claim 19, and is also in condition for allowance. Claim 24 is dependent from rewritten claim 23, and is therefore in condition for allowance. It is also noted that claim 20, which stands rejected, is dependent from rewritten claim 19, and is therefore also in condition for allowance. It is therefore respectfully submitted that claims 10-13, 19-24 and 30 are all in condition for allowance.

Independent Claim 1 stands rejected under 35 U.S.C. §102(b) as being anticipated by *Torii* (U.S. Patent No. 5,355,479). The Applicant respectfully traverses the Examiner's rejection. A claim is anticipated only if every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference. Therefore, all claim elements and their limitations must be found in *Torii* to maintain a rejection based on 35 U.S.C. §102(b). Applicants respectfully submit that the *Torii* reference does not meet this requirement for the identified independent claim, and therefore fails to anticipate Claim 1.

The Examiner alleged that *Torii*, particularly the abstract and Figs. 1-5, discloses, among other limitations, controllably designating at least one of a plurality of data collection periods defining temporal windows in which storage of the designated set of information is enabled, thereby anticipating Claim 1. It is noted that the Examiner has not established any particular correlation between Claim 1 and Figs. 1-5 of *Torii*, except that *Torii* appears to show a choosing of module groups to create information sets that may be compared. It is first noted that while drawings can anticipate claims, the drawing must reveal the limitations of the claim, and must show all the claimed features and how they are put together. M.P.E.P. §2125.

"The identical invention must be shown in as complete detail as is contained in the...claim." M.P.E.P. §2131, citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ.2d 1913, 1920 (Fed. Cir. 1989). Further, "[t]he elements must be arranged as required by the claim...." M.P.E.P. §2131. The Examiner has not established that this collection of modules, information sets, and processor are arranged as required by claim 1, which is a method claim, in as complete detail as is contained in the claim. The Applicant respectfully submits that the collection of components identified by the Examiner in *Torii's* abstract and Figs. 1-5 fail to correlate to the arrangement claimed in the rejected claim.

More particularly, Claim 1 includes controllably designating at least one of a plurality of data collection periods defining temporal windows in which storage of the designated set of information is enabled. Nothing in Figs. 1-5 of *Torii*, its corresponding disclosure, nor the Abstract teaches this arrangement, nor does it teach how or even whether temporal aspects are controlled. The Abstract of *Torii* merely indicates that information is created into sets. Then, a verifier receives at least two sets, and performs a predetermined set operation, such as the difference between all variables referenced in one module and all variables having a value assigned in any other module. This information is used to determine whether modules conform to predetermined interface rules or requirements. (see Abstract). This is merely a static *calculation*, and reveals nothing about collecting information associated with an information storage mode during a data collection period, and storing such information only during the temporal window corresponding to that designated collection period. *Torii*, whether in Figs. 1-5 or otherwise, fails to disclose the claimed features of the rejected claims, where data collection time-periods defining temporal windows are controllably designated. Again, the prior art must show elements arranged as required by the claim, in as complete detail as is contained in the claim. Thus, *Torii* fails to teach at least the aforementioned features of claim 1, and thus fails to disclose all of the claimed limitations of claim 1 which is required to anticipate a claim under 35 U.S.C. §102(b).

In order to more particularly point out this distinction, claim 1 has been amended such that the designated sets of information are stored only during the temporal window corresponding to the designated data collection period. This feature was already provided in claim 1, as the data collection periods were described as defining such temporal windows.

Therefore, it is respectfully submitted that such a limitation does not further narrow the claim as originally filed, but rather merely more complete language to make such a distinction from *Torii* unquestionably clear. For at least these reasons, *Torii* fails to anticipate claim 1, and the Applicant respectfully requests withdrawal of the rejection to claim 1.

Dependent claims 2-8, which are dependent from independent claim 1, also stand rejected under 35 U.S.C. §102(b) as being unpatentable over *Torii*. While Applicant does not acquiesce with the particular rejections to these dependent claims, it is believed that these rejections are now moot in view of the remarks made in connection with independent claim 1. These dependent claims include all of the limitations of claim 1 and any intervening claims, and recite additional features which further distinguish these claims from the cited references. Therefore, dependent claims 2-8 are also in condition for allowance.

Independent claim 9 also stands rejected under 35 U.S.C. §102(b) as being anticipated by *Torii*. The Applicant respectfully traverses the Examiner's rejection. For example, claim 9 includes a dynamically-configurable timing control module. *Torii* does not teach a timing control module, whether in Figs. 18-19 as identified by the Examiner or elsewhere. The dynamically-configurable timing control module of claim 9 enables storing of the particular operational information upon activation of an initiation event and *until* such storing is terminated upon activation of a termination event. Thus, the information is stored for a period of time defined by the temporal window between the initiation event and the termination event. It is respectfully submitted that nothing in *Torii*, and particularly nothing in connection with the cited Figs. 18-19, teach or otherwise describe gathering the selected subsets of information during such a time period. Anticipation under 35 U.S.C. §102(b) requires that the Examiner identify such a teaching in *Torii*, and the Applicant submits that *Torii* does not teach at least these limitations. For at least these reasons, claim 9 is in condition for allowance.

As previously indicated, dependent claims 10-13, 19, and 23 have been rewritten to overcome the Examiner's objections to these claims. Claims 20-22 and 24 are directly or indirectly dependent from independent claims 19 and 23 respectively, and therefore are in condition for allowance. Dependent claims 14-18, which are dependent from independent claim 9, also stand rejected under 35 U.S.C. §102(b) as being unpatentable over

Torii. While Applicant does not acquiesce with the particular rejections to these dependent claims, it is believed that these rejections are now moot in view of the remarks made in connection with independent claim 9. These dependent claims include all of the limitations of claim 9 and any intervening claims, and recite additional features which further distinguish these claims from the cited references. Therefore, dependent claims 14-18 are also in condition for allowance.

Independent Claim 25 stands rejected under 35 U.S.C. §102(b) as being anticipated by *Torii* (U.S. Patent No. 5,355,479). The Applicant respectfully traverses the Examiner's rejection. Again, a claim is anticipated only if every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference, and therefore all claim elements and their limitations must be found in *Torii* to maintain a rejection based on 35 U.S.C. §102(b). Applicants respectfully submit that the *Torii* reference does not meet this requirement for the identified independent claim, and therefore fails to anticipate claim 25.

The Examiner alleged that *Torii*, particularly the abstract and Figs. 1-5, discloses, among other limitations, controllably designating at least one of plurality of data collection periods defining temporal windows, thereby anticipating claim 25. As described in connection with claim 1, *Torii* simply fails to disclose the collection of any information during particular temporal windows other time interval. For example, claim 25 sets forth monitoring for activation of the designated storage event, enables storage of the designated set of information upon recognition of activation of the storage commencement event, monitors for activation of a designated storage termination event, and disables storing the designated set of information upon recognition of the activation of the storage termination event. Thus, information is collected during a time period, the duration of which is determined by monitoring for particular events.

It is respectfully submitted that this is simply not disclosed in *Torii* in the Abstract, Figures 1-5, or elsewhere. Rather, *Torii* appears to describe the production of data sets to be compared by a judging unit for verification of interface conformance. *Torii*, whether in Figs. 1-5 or otherwise, fails to disclose a method where commencement events and termination events are monitored or where any such collection period is defined. Again, the prior art must show elements arranged as required by the claim, in as complete detail as is contained in the

claim. This is clearly not the case in *Torii*. The Applicant respectfully submits that Claim 25 is not anticipated by *Torii*, and requests withdrawal of the rejection.

Claim 30 was objected to by the Examiner, and claim 30 has been rewritten in independent form to overcome the Examiner's objection. Claim 30 is therefore in condition for allowance. Dependent claims 26-29 and 31-34, which are dependent from independent claim 25, also stand rejected under 35 U.S.C. §102(b) as being unpatentable over *Torii*. While Applicant does not acquiesce with the particular rejections to these dependent claims, it is believed that these rejections are now moot in view of the remarks made in connection with independent claim 25. These dependent claims include all of the limitations of claim 25 and any intervening claims, and recite additional features which further distinguish these claims from the cited references. Therefore, dependent claims 26-29 and 31-34 are also in condition for allowance.

The arguments made in response to the rejections based wholly or partly on the cited references set forth reasons as to why the cited prior art fails to disclose or suggest the invention as originally claimed. Applicants amendment, for example relating to the temporal window in claim 1, merely points out a limitation already present in the claim. The remarks set forth herein are provided to describe the cited prior art and how that prior art fails to teach the claimed invention. As a result, it is respectfully submitted that the Applicant has not intended to narrow, nor has the Applicant narrowed, the breadth of the claims as originally filed through the explanatory remarks set forth herein.

It should also be noted that other differences may exist between the claims and the *Torii* reference that were not specifically argued. However, *all* claim elements, and their limitations, must be found in the single prior art reference to maintain a rejection based on 35 U.S.C. §102, and establishing that even one such limitation is missing from the prior art is sufficient to overcome a §102 rejection. Thus, there is no need to address every other possible distinction, and any other possible differences that were not argued is not an admission by the Applicant that such other elements are taught by *Torii*. The Applicant reserves the right to present other distinctions between *Torii* and Applicant's independent and/or dependent claims at the appropriate time.

CONCLUSION

The Applicant respectfully submits that the pending claims are patentable over the cited prior art of record, and that the application is in condition for allowance. If the Examiner believes it necessary, the undersigned attorney of record may be contacted at (651) 686-6633 (x110) to discuss any issues related to this case.

Respectfully submitted,

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